

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID ERKERT <i>Petitioner-pro se</i>	:	CIVIL ACTION
	:	
	:	NO. 15-5726
v.	:	
	:	
NANCY GIROUX, et al. <i>Respondents</i>	:	
	:	

O R D E R

AND NOW, this 11th day of January 2017, upon consideration of the pleadings and record herein, and after careful and independent consideration of the *Report and Recommendation* submitted by United States Magistrate Judge Timothy R. Rice, [ECF 9], Petitioner's *objections* thereto, [ECF 11], and Petitioner's *motion for a certificate of appealability*, [ECF 13], it is hereby **ORDERED**, consistent with the accompanying Memorandum Opinion filed on this day, that:

1. The *Report and Recommendation* is **APPROVED** and **ADOPTED**.
2. Petitioner's objections are **OVERRULED**.
3. Petitioner's petition for a writ of *habeas corpus* is **DENIED**.
4. There is no probable cause to issue a certificate of appealability.
5. Petitioner's *motion for a certificate of appealability* is **DENIED**.

The Clerk of Court is directed to **CLOSE** this matter.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court